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Legislative Coun

1820

Legislative Council
from
Feb 7. 1820
to
Oct 18. 1820

A meeting of the General aſsembly of the Territory of Arkansas at the Village of Arkansas on the seventh day of February in the year one thousand eight hundred and twenty In the Legislative council was present the following Members of said house who produced their certificates of Election were qualified and took their seats. to wit

From the County of Arkansas Sylvanus Phillips
From the County of Lawrence Edward McDonald
From the County of Pulaski John McElmurry
From the County of Clark Jacob Barkman
From the County of Hempstead David Clark

The House proceeded to appoint Edward McDonald President Pro. Tem. and Henry Cassedy Clerk Pro. Tem. And proceeded to Elect by Ballot a President and Clerk for said House and on the vote being taken Edward McDonald was unanimously Elected President and Richard Searcy Clerk Whereupon the said Richard Searcy appeared was duly qualified and entered upon the duties of said office —

On motion of Mr Clark Meſs.rs Phillips and McElmurry were appointed a committee to provide Neceſsary Books and Stationary for this house

A meſsage was received from the house of representatives by Mr. Joab Hardin informing this House that a Quorum of the House of representatives had Convened and Elected the Honorable William Stephenson their Speaker, Jason Chamberlain their Clerk and Horace P Hyat their door Keeper and are ready to proceed to business —

This House now proceed to Elect a door Keeper when Joseph Cook was unanimously Elected

On motion of Mr. Barkman ordered that the House of representatives be informed that a quorum of the Legislative Council have convened and Elected the Honorable Edward McDonald their president Richard Searcy their clerk and Joseph Cook their door Keeper and are ready to proceed to business - and ordered that the House of representatives be acquainted therewith

A meſsage was received from the House of Representatives by Mr. English informing this house that they have paſsed the following resolution to wit Resolved that a committee of two be appointed on the part of this House Jointly with a committee of the Legislative Council to wait on the Governor of this Territory and inform him that the Legislative Council and house of representatives have convened organized and are ready to receive any communications he may think proper to make and that Meſsrs Allen & Horner are appointed that committee on the part of that house — Which resolution is concurred in by this house. Whereupon — Mr. McElmurry is appointed that committee and on motion of Mr. McElmurry ordered that the House of Representatives be acquainted therewith

A meſsage was received from the House of representatives by Mr. Horner informing this house that they have paſsed the following resolution to wit resolved that a committee of one be appointed on the part of this house to act in conjunction with a like committee from the council to procure a house for this General aſsembly to hold their Seſsion in and to have any repairs or preparations made to said house for the reception of the General aſsembly — Which resolution is concurred in by this house Whereupon Mr. Phillips is appointed that committee and on motion of Mr. Barkman ordered that the [illegible] be acquainted therewith

A Meſsage was received from the House of Representatives by Mr Joseph Hardin informing this house that they had paſsed the following resolution Viz Resolved that a committee of three be appointed on the part of the house of representatives to Join a Committee on the part of the legislative council to draw up ~~institutions~~ rules and regulations for the Government of the two houses and that the Legislative be acquainted therewith — and that Meſsrs English Allen and Joab Hardin be appointed that committee — Which resolution is concurred in by this house — whereupon Mr Clark is appointed that committee and ordered that the House of representatives be acquainted therewith

When the House adjourned till tomorrow morning 11 O Clock

Tuesday February 8th 1820

The House met pursuant to adjournment

A meſsage was received from the house of representatives by Mr Horner informing this house that the house of Representatives request your attendance in the representative chamber to receive the communication of the secretary of this Territory — when the Legislative Council repaired into the Representative Chambers

When the House adjourned till tomorrow morning 10 O Clock

Wednesday February 9th 1820

The House met pursuant to adjournment

A Meſsage was received from the house of representatives by Mr Horner informing this house that their attendance is requested in the representative Chamber to hear the report of the Commi appointed by a committee of both houses to wait on the Governor and the ~~representative~~ Legislative Council repaired into the representative Chamber the House having returned to the Chamber adjourned till tomorrow morning 11 O Clock

Thursday February the 10th 1820

the house met pursuant to adjournment

Mr Phillips from the Joint committee of both houses to procure a house for this General assembly to hold their session in report, that they they have made enquiry and find that the house now occupied by that body may be had at any price the Legislature may allow not exceeding one dollar pr day and that the house of James Scull may be had at five dollars pr day, as the house now occupied is much the cheapest and will (tho badly) answer the purpose the committee feel bound to recommend that the General assembly continue their ~~assembly~~ session in the house they now occupy. which report is concurred in & ordered that the ~~House of Representatives~~ be acquainted therewith and Mr Barkman was appointed to perform that service —

On motion of Mr McElmurry Ordered that a Committee of one be appointed to act jointly with such committee as may be appointed on the part of the house of representatives to wait on his excellency the Governor of this Territory and conduct him to the Representative Chamber to make his communication — whereupon Mr Phillips was appointed that committee & the House of representatives was acquainted therewith —

A message was recd from the ~~House of Representatives~~ by Mr English informing this house that the house of representatives have appointed Mr Allen ~~a committee~~ to act jointly with Committee of the Legislative Council to wait on the governor and conduct him to the representatives chamber and that this house is ready for the attendance of the Legislative

Council for the purpose of receiving a communication from the Governor — which request is concurred in and the Legislative Council repaired to the Legislat Representatives Chamber accordingly

His Excellency James Miller Governor of this Territory then appeared in the Representative Chamber and delivered the following Message.

The Legislative Council having returned to their chamber

A Message was received from the House of representatives informing this house that the house of Representatives have passed the following resolution on motion of Mr. Allen Resolved by the General Assembly of the Territory of Arkansas that eternal Gratitude is due to the author of our being and that therefore we do request ~~that~~ the reverend Mr. Stephenson a member of this house from Hempstead to open our daily meetings with a prayer in the representative chamber and request your concurrence therein — which resolution is concurred in by this house

A Message was received from the house of representatives by Mr. Tindall informing this house that the house of representatives have concurred in accepting the report of the committee to provide for the reception of the General assembly and that the said Committee be instructed to make a contract for the same and to prepare it for the reception of the General assembly — which is concurred in by this house —

When the house adjourned till tomorrow morning 9 Oclock

Friday February the 11th 1820

the House met pursuant to adjournment

A Message was received from the house of representatives by Mr Ellis informing this house that they have passed the following petition to the president of the United States and request the concurrence of the Legislative Council therein,

and on motion of Mr. Clark

~~ordered that~~ said resolutions ~~were~~ read the first time ~~and passed~~

And on motion of Mr. McElemurry ordered that it pass to the second reading and it was read by unanimous Consent — and passed a second time

When on Motion of Mr. Phillips it was read a third time by Unanimous Consent and passed a third time — and ordered that the house of representatives be acquainted therewith. — and Mr. Clark was appd to perform that service —

A Message was received from the ~~Legislative Council~~ H R by Joab Harden No 1

on motion of Mr Phillips the Petition taken up and read-

on motion Mr Clark the Petition last read was taken up and read a second time by ~~t~~ its title only

on motion of Mr McElmurry the Rules of the house being dispensed with the Petition was taken up and read a third time in order for its final passage and on the question shall the Petition pass it passed in affirmative by a unanimous vote

~~When upon a motion of Mr Phillips~~

A Message from the H R No 2

~~On~~ motion of Mr Clark ordered that the memorial be taken up and read the house having agreed thereto it was taken up and read the first time, and on the question shall the Bill be read ~~a Second time it passed in the affirmative. Mr Clark moved. No~~ a second time Mr Clark moved ~~No~~ ~~Mr C~~ that the house come to the following resolution resolved that it is indelicate in this house to forward a ~~[illegible]~~ memorial to Congress Praying them to legalize their act. and on the question shall the resolution pass it was decided in the Negative. the memorial was then taken & read a second time and on motion of Mr Phillips the Bill was taken up and read a third time in order for its final Passage on the question shall the memorial pass ~~it~~ on the yeas ~~and~~ Nos being called for it was decided in the affirmative ~~yeas~~ Messrs Phillips McEmurry & Mr President Nos Mr Clark.- and the house of representatives was instructed there with..

On motion of Mr Phillips ~~ordered~~ Resolved that that a committee of ways and means be appointed ordered that Mr McElmurray be appt that Committee

The House adjourned till 9 O'Clock tomorrow morning.

Saturday February 12th 1820

The house met pursuant to adjournment.

There being no business before the House

The House adjourned till 9 OClock on Monday Morning.

Monday February 14th 1820

The House met pursuant to adjournment.

A Message was received from the house of representatives by Mr. Ellis No 1

Not concurred in.

when the House adjourned till 9 OClock to morrow morning

Tuesday February 15th 1820

The House met pursuant to adjournment

A Message was received from from the house of representatives by Mr. English. No 1

And on the question being put Shall the resolution be concurred in. it was carried in the affirmative and ordered that the House of Reps be acquainted therewith — when Mr. Clark was appointed to perform that Service

On motion of Mr. Clark the house took up resolution from the house of representatives of yesterday and on the the question for a reconsideration being put it was carried in the affirmative — when said resolution was concurred in &

Mr. was appointed that Committee

A message from the House of representatives by Mr Stephenson. No 2 concurred in & Mr Phillips appointed that committee.

On motion of Mr. Clark the house took up the consideration of the previous question on the resolution of the house of representatives praying for donations of land for the seat of Government for the Territory of Arkansas for County seats and for the use and benefit of the hot springs in Clark County and on the main question being now put it was carried in the affirmative — whereupon Mr Clark was appointed that committee and ordered that the House of representatives be acquainted therewith. When Mr. Barkman was appointed to perform that service

A Message was recd. from the House of representatives by Mr Fish ~~No~~ informing this house that they have passed the resolution herewith

Concurred in and sent to H. R. by Mr McElmurry and the house adjourned 9 oclock tomorrow morning

Wednesday February the 16th 1820

the house met pursuant to adjournment.

Mr McElmurry in the chair

Mr McDonald moved and obtained leave to bring in on tomorrow a bill to be entitled an act to revive certain suits —

And the house adjourned till 9 OClock tomorrow morning.

Thursday February 17th 1820

The house met pursuant to adjournment
Mr. McDonald agreeably to his notice of yesterday
brought in a bill to be entitled an act to revive certain
Suits. and for other purposes which was read the
first time – second reading tomorrow

A Message was rec.d from the house of Reps. &c.

The bill fixing permanently the seat of
Justice for the County of Arkansas was on
motion of Mr. Phillips read the first time
Second reading tomorrow
On motion of Mr Barkman the act for
the relief of Rufus P. Spalding was read the first
time – and order for a second reading tomorrow

Mr. Phillips obtained leave to bring in a
bill to be entitled an act supplementary to an act
defining the powers and duties of Justices of the peace
in matters of a civil nature – and the rules of
the house being dispensed with in such case the
bill was read the first time. and ordered for
a second reading tomorrow

A Message was received from the H R by Mr Horner
informing this house that; they have pass.d &c No 2
The two bills last mentioned were read ordered
that they pass to a second reading tomorrow

On motion of Mr. McElmurry the rules of
the house in such case being dispensed with
the house took up the consideration
in such case. of the aforesaid six bills last read. were taken
up and read by their title only and ordered to be
engrossed for their third reading & final passage.
on tomorrow.
The House adjourned till 9 oClock tomorrow
morning

Friday February the 18th 1820.

The house met pursuant to adjournment.

On motion of Mr Phillips the house took up the consideration of the bill entitled An act supplementary to an act defining the powers and duties of Justices of the peace in matters of a civil nature and on the question shall the bill pass it was carried in the affirmative — and ordered that it be entitled an act supplementary to an act defining the powers and duties of Justices of the peace in matters of a civil nature and for other purposes ordered that the same be sent to the house of representatives ~~be acquainted~~ therewith

On motion of Mr. Bartman the house took up the bill entitled an act to revive an law [illegible] and for other purposes passed third time ordered that the title be as above

~~A message from H. R. No~~

On motion of Mr McElmurry the house took up the consideration of the bill entitled an act for the relief of R P Spalding — an act fixing permanently the seat of Justice for the County of Arkansas an act creating and establishing the County of Phillips an act altering the seat of Justice in the County of Pulaski. all passed their third reading & final passage ordered to be sent to the house of Reps — also Bartman

& a message was received from the house of Reps No 1 2 last bills read 1st time ordered to a second reading ordered to a second reading and on motion of Mr Bartman the rules of the house in such case being dispensed with said bills was read a second time by their titles — ordered to their second reading on tomorrow

A Message from H.R. N° 2. Mr English

The bill last mentioned was read - ordered that said bill pass to its second reading - and On motion of Mr Clark the rules of the house in such cases being dispensed with it was read a second time by its title only - ordered that said bill pass to its ~~third~~ reading & final passage on tomorrow.

And the House adjourned till 9 oClock tomorrow morning -

Saturday February the 19th 1820

The house met, pursuant to adjournment.

The house took up the Consideration of the bill entitled an act erecting and Establishing the County of Independence - ordered that said bill be postponed till the ~~1st monday of December next~~ till the next meeting of the General assembly - .

The house took up the Consideration of the bill entitled an act providing for fixing the seat of Justice in the County of Clark - and on motion of Mr Bartleman the following amendments were proposed and agreed to by the house towit - in the 8th line first section between the second & third words in said line by adding the words & Central and at the end of the 3rd Section by adding the following clause and the said Commissioners shall meet on the fourth day of July next to perform the duties assigned them by this act. - ordered that the same be sent to the Legislative Council and ask their Concurrence therein.

The bill for erecting the County of Miller was ~~read~~ ~~a third time & determined in the [illegible]~~ On Motion of Mr Phillips postponed till the next Session of the General assembly

the bill for the relief of Adams of Pulaski &c
passd. 3d time ordered to be sent to H.R.

A message was received from the H.R. No 1. by Mr Horner
The bill last mentioned was read & on motion of Mr Phillips
ordered that it pass to its second reading the rules
being dispensed with read second ~~time~~ by title & passd. 3d read on
monday

Bills signed by President see report No 1

Message No 2 Mr Stephenson –

The last mentioned bill was read.
on motion of Mr Phillips the rules of the house in such
case being dispensed with. said bill was read a second time
by its title only – ordered that it pass to its third read
ing & final passage on monday next –

~~On motion of Mr [illegible] the house took up the~~
~~consideration of the~~

A Message from H.R No 3 by Horner ~~and ordered that~~
Mr Bartleman appt thereto
Concurred in and ordered that the H.R. be
acquainted therewith.

A Message No 4 from H.R. Mr English
the bills last mentioned were read
ordered that they be read a second time – and on motion
of Mr Bartleman the rules of the house in
such case being dispensed with said bills were
read a second time by the titles and ordered to
be read ~~a the~~ third time on monday next.

House adjournment till 9 O'Clock monday
morning –

Monday February the 21st 1820
House met pursuant to adjournment

[illegible] Message from H. R. No 1. Mr Emb[illegible]

Printers Resolution concurred in

The bill entitled an act defining the powers of [illegible] [illegible] amended and concurred in by L. C. & sent to H.R. by McEly

Message No 2 by [illegible] Hendin

Concurred in by H. R., & [illegible] & sent H R by McE

Message No. 3. H R. Mr Fish

The bill last mentioned was read a first and second time unanimously ordered that it pass ~~to its third reading~~ ~~a tomorrow~~ & [illegible], [illegible] the rules of the house in such cases on motion of Buchanan being dispensed with said bill was read a third time ~~[illegible]~~ [illegible] Council and passed and that H R be acquainted therewith. by McEl

Message from H R No 4. Mr Fish.

On motion of Mr McElmurry the previous question on the bill for erecting & establishing the County of Mellen was taken and carried in the affirmative on motion of Mr Clark when the said bill was read a third time and passed ordered to be sent to H. R.

The House took the consideration of bill ~~for the dividing~~ requiring the several sheriffs of this Territory to pay over any public money they now a[illegible] of [illegible] may have in their hands to the Treasurer of [illegible] pass'd third time ordered to be sent to H R.

The committee of Enrollments reported that they had examined the following bills and had found them duly enrolled to wit an act for the relief of administrators in the Counties of Pulaski, Clark, & Hempstead also an act providing for fixing the seat of Justice in the County of Clark - which were signed by the president and ordered to be sent to the Governor.

The bill entitled an act establishing the office of attorney General for the Territory of Arkansas was read a time and passed ordered that said bill be sent [illegible] H.R.

The bill entitled an act supplementary to an act directing the probate of wills was read a third time & passed

And the house adjourned till 9 O'clock tomorrow morning.

Tuesday February 22d 1820 —

The house met pursuant to adjournment.

Message No 1. from H.R. Mr Stephenson said Resolution & Memorial was concurred in
~~The house took up the consideration of the bill~~
& sent to H.R.

~~The house took up the consideration of the bill erecting and establishing the County of Independence~~

The house took up the consideration of the bill entitled an act for the relief of the several sheriffs
Territory of Arkansas and passd the same
[illegible] an amendment & sent to H.R. by

A Message No 2 from H.R. by Mr Tindall
the said bill was read a first & second time by unanimous consent and passed. ordered to a third reading ~~[illegible]~~

A Message No 3 from H.R. Mr Fish

Message No 4 from H R Mr Stephenson
The bill last mentioned was read - a second time & amended - ordered to its third reading & final passage tomorrow.

The house took up the consideration of the bill erecting & establishing the County of Independence read amended & passed - ordered to be sent H R

Message No 5 from H.R. by Mr Allen
read & concurred in

Wednesday February the 23rd 1820

Message No 1 H R Mr English
recede from the amendments & sent back to H R

The house took up the consideration of the bill entitled "an act to regulate the payment of Costs in Certain Cases ~~read a third time & passed~~ and an act entitled an act allowing Compensation &c read third time & passed ord to be sent to H, R,

Report of Enrolled bills No 1
signed by President & sent to Governor.

Message No 2 Mr. Tindale
The bill last mentioned was read a first & second
time & passed. to its third reading this evening rules
dispensed with. read third time & passd ordered to be sent
to ~~Council~~ H R.

Message No 3 HR mr Joab Harden ~~[illegible]~~
Council insist on amendment sent to H R
by Barkman

Report No 2 signed by President & to be
sent to Govr for approval

Message No 4 from H R by Joab Harden
said bill was read a first & second time & passed
ordered to a third reading tomorrow

Message No 6 from H R by Mr Fishing
The bill last mentioned was read the first time
a second time and passed with some amendments

Thursday February the 24th 1820
The house met pursuant to adjournment

Message No 1 H R Mr Joab Harden
the bill last mentioned and some amendments proposed & agreed to was read a first & second time &
ordered to pass to its third reading this day

Message No 2 by Mr Ellis
Message No 2 by unanimous consent pass
was first & second time by
a third reading to day read 3rd time & passed

Meſsage No 3 H R Mr Fish
Concurred in & Mr. McElveny Committee

The House took up consideration of the bill entitled an act fixing the Terms of the Supreme & Circuit Courts &c amended & paſsed third time, sent to H. R. for concurrence

Bill of appropriations paſsed as amended third time sent to ~~Council~~ H. R.

Report No 1

The house took up the consideration of the bill entitled an act to remove the seat of Governt. & paſs with amendments sent to H R by Mr Clark